<div align="center">

REMARKS

</div>

The undersigned attorney thanks Examiner Pesin for his careful review of this patent application. Reconsideration of the present application is respectfully requested in view of the following remarks. Claims 3, 6-7, 21-23, 30-31, 64, and 75-93 are currently pending in this Application with Claim 3 being amended and Claims 4 and 5 being cancelled.

Claim Rejections based on 35 U.S.C. § 103

Claims 3-7, 21-23, 30-31, 64, and 75-93 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. US 2002/0147805 to Leshem et al. (hereafter *"Leshem"*) in view of U.S. Patent No. 6,064,381 to Harel (hereinafter *"Harel"*). Claim 3 has been amended to incorporate limitations previously present in Claims 4 and 5, which have been cancelled. Since the subject matter added to Claim 3 was previously in claims directly dependent upon Claim 3, it is not believed that the amendment necessitates new grounds for rejection. The Applicants respectfully submit that the pending claims are not unpatentable over the cited references because they do not teach each and every limitation of the claims.

A.   Leshem is not a suitable Prior Art Reference

Applicant respectfully submits that *Leshem* is not prior art with respect to the present application because it was filed after the priority date of the present application. The Federal Circuit has clearly stated that a reference must qualify as prior art under §102 in order to be used as part of a §103 rejection. *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 1568.

Leshem does not meet the criteria for prior art, however, under §102. The filing date of the Application is December 5, 2001. *Lesham* was filed on March 15, 2002 and published on October 10, 2002. *Lesham's* 2002 publication date postdates the 2001 filing date of the Application, precluding the use of *Lesham* as prior art under §102 (a) and (b). Additionally, *Lesham's* 2002 filing date fails to antedate the 2001 filing date of the Application, precluding the use *Lesham* as a reference under §102(e). No other provisions in §102 appear to be relevant to deem *Lesham* applicable prior art. Thus, *Lesham* cannot be used to maintain the §103(a) rejection.

A review of the continuity data, however, reveals that *Lesham* is a continuation of a divisional of an application that has been issued as U.S. Patent No. 5,870,559 to Lesham et al.

(hereinafter *"Lesham '559"*). It should be noted that *Lesham* cannot be established as prior art by claiming priority to *Lesham '559* or any other parent application. Applicant has **not** reviewed *Lesham '559*, however, to determine the relevance of the disclosure in the patent to the present Application.

Despite the inapplicability of *Leshem*, Applicant will address below the content of the present rejections to expedite prosecution in the event that *Leshem '559* is found to contain similar disclosure to *Leshem*. Should Examiner review *Lesham '599* and rely on the reference in the following *Office Action*, that *Office Action* cannot be made final since the grounds of rejection will have been changed by citing a reference with a different priority date.

B.   Leshem and Harel do not teach every element of Claims 3, 6-7, 21-23, and 30-31

Claims 3, 6-7, 21-23, and 30-31 are patentable over *Lesham* in view of *Harel* because a *prima facie* case of obviousness has not been established. The MPEP and Federal Circuit concur that "to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); MPEP §2143.03.

The present invention is directed toward a system for determining how a user interacted with a website in completing a task sequence. A task sequence identifies a predetermined sequence of accesses to one or more web pages, on a website. Many websites are designed to help users accomplish certain tasks, such as locating information or purchasing merchandise. For example, an on-line store website may be designed to assist users in finding merchandise to purchase. Accordingly, a task sequence may include: (1) finding a product, (2) adding it to the shopping cart, and (3) checking out. By comparing actual customer interaction with the website to the specified task sequence, the website operator can determine whether the website design promotes efficient interaction for the user. If the user takes one or more wrong turns while navigating through the site, the operator can review the website to determine whether these wrong turns were caused by confusing links or other issues within the website. The present invention makes this analysis easier by graphically displaying the structure of the website overlaid with a representation of the paths users took in completing the task.

Notably, *Leshem* does not disclose a task sequence or any use of a task sequence. Accordingly, *Leshem* does not disclose the Claim 3 limitation of "defining a task sequence as a

predetermined sequence of accesses to one or more objects of interest of said plurality of objects of interest, wherein an object of interest is a web-page".

Additionally, Applicant respectfully submits that *Leshem* does not disclose the limitation of "accessing session data representative of one or more sessions of user interaction with the resource where a session identifies a sequence of user accesses to said one or more of said plurality of objects of interest, *wherein at least one of the user accesses is to an object of interest that is not in the task sequence*", as claimed. Specifically, *Leshem* does not disclose session data that includes user accesses to an object of interest that is not in the task sequence. Rather, in paragraph [0211] *Leshem* discloses identifying when a user exits the website "by looking for large time gaps between consecutive accesses to the site". In other words, *Leshem* does not access data regarding user accesses that are not part of the task sequence. Instead, *Leshem* waits for long pauses by a user and guesses that the user must have gone somewhere else.

Harel is directed towards a system for identifying a series of commands executed by a user of a software program. As disclosed by *Harel,* such commands include selecting, cutting, copying, marking, and pasting text in a word processor program. Notably, *Harel* does not disclose any user interaction with a website nor does it disclose "defining a task as a predetermined sequence of accesses to one or more objects of interest of said plurality of objects of interest, wherein an object of interest is a web-page".

The commands executed in *Harel* are not task sequences as defined in the present invention. Specifically, the commands are not accesses to web pages on a website. Instead, the commands of *Harel* are simple means of manipulating text and using features of a program.

Thus, it is clear that *Leshem, Harel,* and the combination thereof do not disclose each and every limitation recited in the claims. Specifically, the cited references do not disclose the Claim 3 limitations of: (1) *defining a task* as a predetermined sequence of accesses to one or more objects of interest of said plurality of objects of interest; and (2) accessing session data representative of one or more sessions of user interaction with the resource where a session identifies a sequence of user accesses to one or more of said plurality of objects of interest, *wherein at least one of the user accesses is to an object of interest that is not in the task sequence.*

Thus, it is respectfully submitted that Claim 3 is patentably distinguishable over the cited art, and Applicant respectfully requests passing of the case to issuance in due course of Patent

Office business. Additionally, Applicant respectfully submits that dependent claims 6-7, 21-23, 30-31, are also allowable for the various additional limitations contained therein, which further distinguish the prior art.

Therefore, Applicant respectfully submit that the rejections should be withdrawn and Claims 3, 6-7, 21-23, and 30-31 are in condition for allowance.

C.   *Leshem and Harel do not teach every element of Claims 64 and 75-93*

Claims 64 and 75-93 are patentable over *Lesham* in view of *Harel* because a *prima facie* case of obviousness has not been established. As noted supra, the MPEP and Federal Circuit concur that "to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); MPEP §2143.03.

Leshem and *Harel* do not disclose the following limitations of claim 64: (1) *defining a task sequence* as a predetermined sequence of accesses to one or more objects of interest of said plurality of objects of interest; (2) *filtering* the data representative of one or more sequences of user accesses to include only a set of sessions based on a filter criteria *by comparing the task sequence* to the data representative of one or more sequences of user accesses; and (3) accessing session data representative of one or more sessions of user interaction with the resource where a session identifies a sequence of user accesses to said one or more of said plurality of objects of interest, *wherein at least one of the user accesses is to an object of interest that is not in the task sequence.*

According to the *Office Action*, *Leshem* discloses "filtering the data representative of one of more sequences of user accesses to include only a set of sessions based on the filter criteria" in "paragraphs [0009], [0215], and [0102]". However, a review of these paragraphs reveals that *Leshem* does not disclose filtering as recited in Claim 64. Rather, *Leshem* discloses a graphical representation of a website structure reflecting site activity at various pages.

Paragraph [0009] of *Leshem* discloses displaying "web site usage data" to "facilitate analysis". In particular, a "color coding" scheme is employed wherein "different colors represent different levels or ranges" of usage. Importantly, the data being analyzed is not "a sequence of user accesses" as claimed, but rather activity at nodes on the site map. Furthermore, no actual filtering is involved since all of the data is displayed together. Contrarily, the claims

recite active filtering is performed to exclude certain data and "include only a set of sessions based on the filter criteria". Clearly, paragraph [0009] fails to meet the filtering limitation recited in Claim 64.

Paragraph [0102] of *Leshem* discloses "superimposing" displayed data onto a "site map". The data that is selected to be superimposed is not disclosed as being filtered. Simply overlaying one display of data onto a site map does not constitute filtering. Furthermore, the "user activity" being superimposed is never disclosed as a sequence of user accesses of a single or multiple users. There is also no disclosure of criteria to perform filtering of the data. Accordingly, paragraph [0102] fails to meet the filtering limitation recited in Claim 64.

Paragraph [0215] of *Leshem* discloses displaying on a map "a complete path of each visitor". The display is done on a "visitor-by-visitor basis", indicating that only one path may be displayed at a time. Such a display scheme merely allows review of the activity of an individual user rather than being able to filter an entire data base of access sequences to display only certain sequences based upon desired criteria as claimed. Thus, paragraph [0215] fails to meet the filtering limitation recited in Claim 64.

Additionally, it is clear in the *Office Action* that *Leshem* does not disclose that the filtering is performed by comparing a task sequence to data of user accesses. Instead, Examiner relies upon column 7 lines 20-43 and column 8 lines 13-27 of *Harel* for disclosure of task sequences. A review of the cited sections of *Harel* reveals that is fails to disclose the limitations recited in Claim 64 because it also does not disclose filtering.

Column 7 lines 20-43 of *Harel* disclose a task wherein the user executes commands within a program such as moving, cutting, copying, and pasting text. The task sequence is defined in the claims as a "predetermined sequence of accesses to one or more objects of interest". The commands being executed in *Harel* are merely routine functions in a program, and do not constitute accessing various objects of interest, such as web pages.

Column 8 lines 13-27 of *Harel* disclose obtaining from a user information regarding "the components s/he believes herself to have employed when attempting to perform a desired task". This section relates to a sequence of commands within a program that the user employed as discussed above, not a sequence of accessed web pages. Furthermore, the sequence of commands is not predetermined, but rather entered by what the user believes to have employed

and actually did employ. Clearly, *Harel* does not disclose a predetermined sequence of user accesses as recited in Claim 64.

Further, Claims 75-88 further recite specific criteria for filtering. In particular, the criteria recited include amounts of time, entry points, exit points, referring resources, minimum and maximum number of user accesses, accesses to particular objects of interest, user percentages, and user geographic origin among others. Examiner cites *Leshem* paragraphs [0009], [0215], [0102], [0211], [0199], and [0200] as disclosing these criteria. A review of these paragraphs reveals that no such disclosure regarding the claimed criteria is present. Consequently, Claims 75-88 are believed to be patentable on their own merits, regardless of the patentability of Claim 64, over *Leshem* in view of *Harel*.

Accordingly, Applicant respectfully submits that claim 64 is patentable over *Leshem* in view of *Harel*, and respectfully request that the rejection be removed. Additionally, Applicant respectfully submit that dependant claims 75-93 are patentable over *Leshem* in view of *Harel* for the reasons stated above, and for the further limitations contained therein.

FEES

This *Response and Amendment* is being timely filed within 3 months of the *Office Action* and with no additional claims, thus no fees are believed due. Should any fees be due for full acceptance of this submission, authorization to charge Deposit Account No. 20-1507 is expressly given.

CONCLUSION

The foregoing is submitted as a full and complete response to the *Office Action* mailed March 7, 2007. It is respectfully submitted that claims 3, 6-7, 21-23, 30-31, 64, and 75-93 are in condition for allowance and that each point raised in the *Office Action* with regard to these claims has been fully addressed. Therefore, it is respectfully requested that the rejections be withdrawn and that the case be processed to issuance in accordance with Patent Office business.

If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an Examiner's amendment, please contact the undersigned at 404.885.3498.

Respectfully submitted,

By: ___/James E. Schutz, Reg. #48658/___
James E. Schutz
Registration No. 48,658
Attorney for Applicant

Troutman Sanders LLP
600 Peachtree Street, NE
Suite 5200
Atlanta, Georgia 30308-2216
(404) 885-3498